

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SCHMITZ LAND CO., LLC., and
KIMBERLEE SCHMITZ,

Plaintiffs,

v.

No. CV-2010-00578-WJ/DJS

RIO ARRIBA BOARD OF COUNTY
COMMISSIONERS, DANNY GARCIA
and RANDY MORFIN,

Defendants.

JUDGMENT

THIS MATTER comes before the Court upon the following motions:

- Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction, filed January 13, 2011 (**Doc. 25**);
- Plaintiffs' Motion for Leave to Amend Complaint, filed February 16, 2011 (**Doc. 34**); and
- Defendants' Motion for Protective Order and Stay of Discovery Pending Resolution of the Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction, filed February 24, 2011 (**Doc. 38**).

Pursuant to the findings and conclusions set forth in the Memorandum Opinion and Order which accompanies this Rule 58 Judgment;

IT IS THEREFORE ORDERED and **ADJUDGED** that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (**Doc. 25**) is hereby GRANTED for reasons described in this Memorandum Opinion and Order and that this action is DISMISSED for lack of subject matter jurisdiction;

IT IS FURTHER ORDERED and ADJUDGED that Plaintiffs' Motion for Leave to Amend Complaint (**Doc. 34**) is hereby DENIED for reasons described in this Memorandum Opinion and Order; and

IT IS FURTHER ORDERED and ADJUDGED that Defendants' Motion for Protective Order and Stay of Discovery Pending Resolution of the Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction (**Doc. 38**) is hereby DENIED AS MOOT based on the Court's findings on the other motions.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the Court's findings in the above motions render a final disposition of this case in its entirety.



UNITED STATES DISTRICT JUDGE